



# CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Telephone  
(617)-796-1120

TDD/TTY  
(617) 796-1089

Telefax  
(617) 796-1142

Setti D. Warren  
Mayor

Public Hearing Date: June 15, 2010  
Land Use Action Date: July 13, 2010  
Board of Aldermen Action Date: August 9, 2010  
90-Day Expiration Date: September 13, 2010

DATE: June 11, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development  
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #136-10**, for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE to AMEND Special Permit #261-96 to replace an existing tent with an open-air pavilion of similar size with a permanent roof at 483 DEDHAM STREET, Ward 8, on land known as Sec 83, Blk 36, Lot 4, containing approx 6,446,022 sq ft of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007 and Special Permit #261-96.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



## **EXECUTIVE SUMMARY**

The Charles River Country Club, a private club located at 483 Dedham Street, consists of an approximately 148-acre site containing a golf course and various recreational facilities, including a clubhouse, swimming pool, and tennis courts. The Charles River Country Club has operated at this site for over 80 years and has obtained a number of special permits for its facilities during that time. Most recently the petitioner received special permit #308-05 for changes to the swimming pool, tennis courts, and associated parking lot.

The petitioners are currently proposing to replace a seasonal canvas tent structure with a more permanent open-air building of approximately similar size. The existing tent structure is a legal nonconforming accessory structure and is removed each year in the winter. The petitioners are proposing to replace the 3,286 sq. ft. tent with a fiberglass roofed open-air building of 3,263 sq. ft. The building would be approximately 15.3 feet in height. As the new building is greater than the allowed 700 sq. ft. for an accessory structure the petitioners must obtain a special permit to increase a nonconforming accessory structure. In addition, the petitioners must also amend the site plan under previous special permit #261-96 (*SEE "ATTACHMENT A"*), which authorized additions and renovations to the clubhouse and the snack bar and bathroom building adjacent to the tent.

### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When considering this request, the Board should consider:

- Whether the proposed more permanent pavilion will be substantially more detrimental to the surrounding neighborhood than the seasonal tent.

### **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

#### **A. Neighborhood and Zoning**

The portion of the country club that is the subject of this special permit request is abutted to the north and west by Single and Multifamily Residential zones. Immediately across Dedham Street is a large Single Residence 2 district containing single-family homes. The closest residential abutters are approximately 400 ft. from the proposed pavilion. The majority of the Club is located in a Single Residence 1 District except for the portion located between Winchester Street and the Charles River, which is zoned Single Residence 3.

#### **B. Site**

The Charles River Country Club is a large open tract of land containing approximately 148 acres located along both sides of Winchester and Nahanton Streets with its main entrance off of Dedham Street at the intersection of Country Club Road. The site contains a number of recreation facilities including an 18-hole

golf course, clubhouse, six tennis courts, a swimming pool, and snack bar area. The portion of the Country Club that is the subject of this special permit request is located uphill from the tennis courts towards the main clubhouse.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The subject property will continue to be used as a golf course and country club and the proposed site will continue to host an open air dining area. Proposed renovations are not expected to lead to an increase in membership.

#### B. Building and Site Design

The proposed new pavilion will be similar in style to the existing seasonal tent, but will be made of fiberglass shingles. The pavilion is proposed to be approximately 15 feet in height not including a centrally located cupola. The structure is open to the weather on all sides and is supported on metal trusses.

Inside the restaurant the petitioners will create an opening between the existing dining room and the proposed new space. The seats will be rearranged slightly to accommodate 32 seats in the new space and 56 seats in the existing space (including five bar seats) for a total of 88 seats.

#### C. Parking and Circulation

No changes to parking or circulation are proposed as a result of this project.

#### D. Landscape Screening

The petitioners did not submit a landscape plan for the proposed pavilion and none was required. The proposed pavilion is set well into the site and as such will not be visible to any of the surrounding streets.

### IV. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated April 20, 2010 (*SEE "ATTACHMENT B"*), provides an analysis of the proposal with regards to zoning. The petitioners must amend the site plan associated with previous special permit Board Order #261-96 and a December 1996 consistency ruling, and must request a waiver from 30-21(b) to alter a nonconforming accessory structure.

B. Other Reviews. No other reviews were required for this petition.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking approval through or relief from:

- To amend the site plan associated with Board Order #261-96 and a December 1996 consistency ruling.
- Section 30-21(b), to alter a nonconforming accessory structure.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS

*ATTACHMENT A: Board Order #261-96  
ATTACHMENT B: Proposed elevations  
ATTACHMENT C: Zoning Memo  
ATTACHMENT D: Land Use Map  
ATTACHMENT E: Zoning Map*

#261-96

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 21, 1996

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that a historic building will be upgraded.
2. The Board finds that the widening of the driveway and the elimination of part of the existing driveway will create better site circulation and more open space.
3. The Board finds that the country club will maintain the current size of its membership and the number of functions and that the proposed renovation and addition are being done to accommodate the existing membership.
4. The Board finds that there will be no detriment to nearby residential areas because of the distance from the clubhouse to those residences.

PETITION NUMBER: 261-96

PETITIONER: Charles River Country Club

LOCATION: 655 Dedham Street, Ward 8, Section 83, Block 36, Lot 4,  
containing approximately 6,466,022 sf.

OWNER: Charles River Country Club

ADDRESS OF OWNER: 483-655 Dedham Street

TO BE USED FOR: An addition and renovation for lockers rooms,  
diningrooms, kitchen and supportive service space.

CONSTRUCTION: Wood frame and stone work

## EXPLANATORY NOTE:

Section 30-8(b)(5) allows the Board of Aldermen to grant a special permit for a club/clubhouse in a Single Residence 1 District.

Section 30-19(m) allows the Board of Aldermen to grant a special permit for a parking waiver if it is in the public benefit to do so and the literal requirements of the parking provisions cannot be met.

Land referred to is in a Single Residence 1 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with plans by Amsler Woodhouse MacLean Architects, Inc. entitled "A.1 Existing Site Plan", dated June 28, 1996; "A.2 Proposed Site Plan", rev. date July 15, 1996; "A.3 First Floor Plan", dated July 24, 1996; "A.4 Lower Floor Plan", dated July 24, 1996; "A3.0 and A3.1 Exterior Elevations" dated September 9, 1996; "C-1 and C-2 Site Plan", dated 8/7/96, rev. 9/3/96 by H. W. Moore Associates Inc. and "Topographic Plan", dated July 15, 1996 by Harry R. Feldman, Inc., submitted by the petitioner and filed herewith.
2. That during large events at which at least 300 people are expected to attend, the petitioner provide at least one police detail to monitor traffic flow and the site entrance at Dedham Street.
3. That three handicapped parking stalls are added to the parking area behind the clubhouse.
4. That the final facade plans reflect the recommendations of the Historical Commission.
5. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
  - a. A final landscape plan for the area immediately around the clubhouse, including lighting and fixture design, indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and statement of certifying such approval for consistency with the plans cited in Condition #1 shall have been filed with the City Clerk and the Department of Inspectional Services.
  - b. The Director of Planning and Development shall have reviewed and approved architectural plans including facade and roof materials and colors of the building in accordance with the recommendations of the Historical Commission.

- c. That the City Engineer has reviewed and approved site grading and drainage, and the installation of sidewalk and curbing improvements along street frontages and a statement by the City Engineer certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
  - d. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
  - e. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
6. That no building or structure, or portion thereof subject to this SPECIAL PERMIT/SITE PLAN APPROVAL shall be occupied until:
- a. The Petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Condition 1 has been complied with.
  - b. There shall have been filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that the finished grades and final construction details of the driveways, parking area, drainage systems, sidewalks, curbing and utility installations have been constructed to standards of the City of Newton Engineering Department.
  - c. There shall have been filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, parking areas, and lighting installation.
  - d. Notwithstanding the provisions of Section 6c., hereof, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy of all or portions of the buildings prior to installation of final landscaping provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less

than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules  
Readings Waived and Approved  
24 yeas 0 nays

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL and is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on October 22, 1996. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:

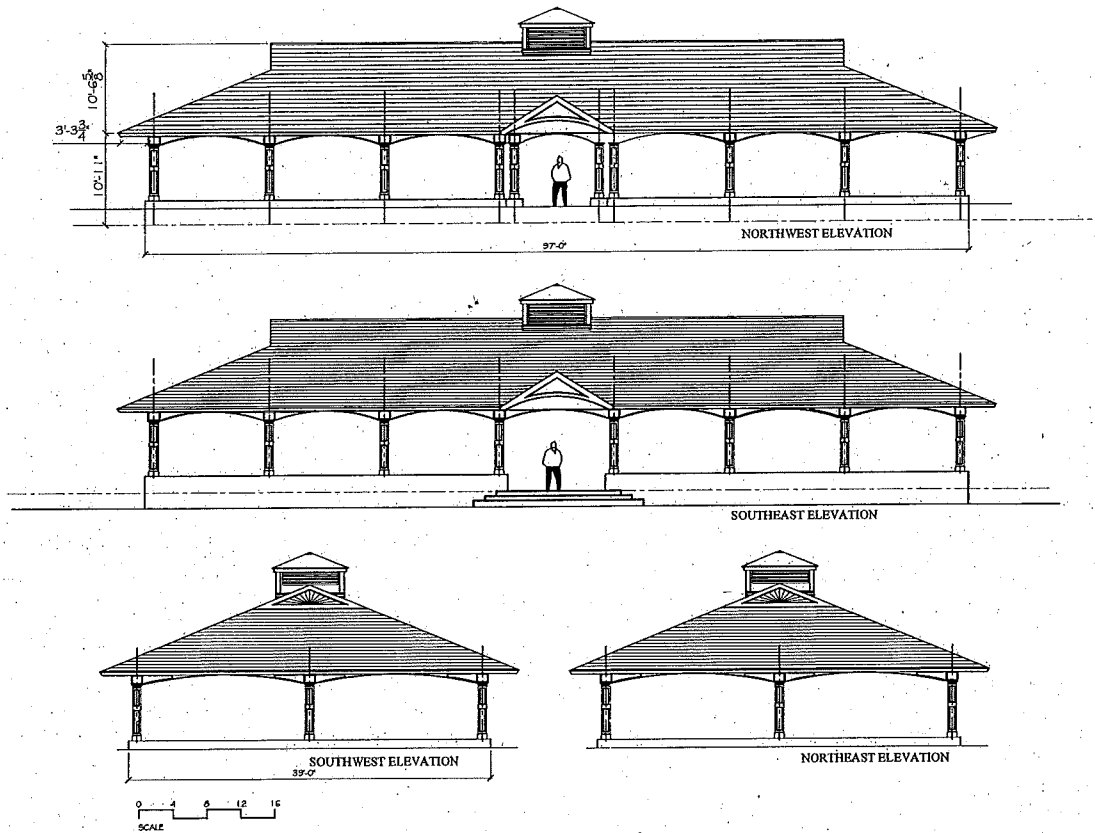
(SGD) EDWARD G. ENGLISH, City Clerk  
Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on \_\_\_\_\_ and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST  
EDWARD G. ENGLISH, City Clerk



# ATTACHMENT B



△			
△			
△			
△			



Andrew M. DeFrancesco  
ARCHITECT  
48 Miriam Road  
Waltham, Ma. 02451  
Tel. 781-647-9421

PROJECT  
PROPOSED ALTERATIONS  
TO OUTDOOR  
PAVILION  
CHARLES RIVER CC


DRAWING TITLE  
**PROPOSED  
ELEVATIONS**

DATE NOV. 2.00 DRAWING NO.

## Zoning Review Memorandum

Dt: April 20, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Interim Director of Planning and Development 

Cc: Lou Franchi, member of Charles River Country Club  
Ouida Young, Associate City Solicitor

**RE: Request to allow replacement of a nonconforming building**

**Applicant: Charles River Country Club, Inc.**

**Site:** 483 Dedham Street

**SBL:** Section 83, Block 36, Lot 4

**Zoning:** SR-1

**Lot Area:** 6,446,022 square feet

**Current use:** Country club

**Proposed use:** Country club

**Background:**

The subject property consists of a 6,446,022 square foot lot currently improved with a multi-faceted country club (golf course, pool, tennis courts, club house and various accessory buildings). The applicants are proposing to replace an existing tent with a more permanent open-air building of similar size. This large property has been the subject of several previous special permits. A December 1996 consistency ruling for Board Order #261-96 specifically authorized the snack bar and bathroom building adjacent to the tent. The site plan associated with this special permit must be amended to reflect the change requested in this application. The following review is based on plans and materials submitted to date as noted below.

**Plans and materials reviewed:**

- "Charles River Country Club, Newton, Massachusetts, 483 Dedham St., Newton, MA, Proposed Renovations to Outdoor Dining Pavilion," dated March 2, 2010, signed and stamped by Verne T. Porter Jr., Professional Land Surveyor
- "Charles River Country Club, Newton, Massachusetts, 483 Dedham St., Newton, MA, Proposed Dining Pavilion Renovation and Height Calculation," dated March 2, 2010, signed and stamped by Verne T. Porter Jr., Professional Land Surveyor
- "Proposed Alterations to Outdoor Dining Pavilion Charles River CC," drawn by Andrew M. DeFrancesco, Architect, dated 3/23/10, neither signed nor stamped by a licensed professional as follows:
  - "Drawing No. P-1, Floor Plan"
  - "Drawing No. P-2, Roof Framing Plan & Rear Elevation"
  - "Drawing No. P-3, Roof Plan & Front Elevation"
  - "Drawing No. PD-1, Demo Plan & Section"

**Administrative determinations:**

1. The existing tent structure is a legally nonconforming accessory building larger than 700 square feet. The existing canvas tent is removed each year in the winter. The applicants are proposing to permanently remove the tent structure

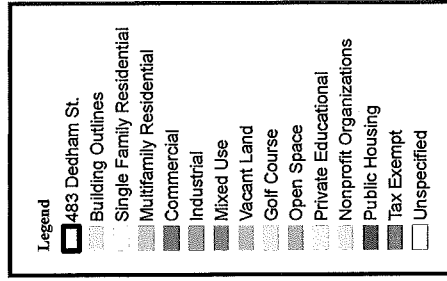
and replace it with a more substantial open-air building. The new building will also be greater than 700 square feet. The proponents must obtain a special permit from the Board of Aldermen under Section 30-21(b).

2. See "Zoning Relief Summary" below:

<b><i>Zoning Relief Summary</i></b>		
<b><i>Ordinance</i></b>	<b><i>Site</i></b>	<b><i>Action Required</i></b>
	Amend site plan associated with previous special permit Board Order #261-96 and December 1996 consistency ruling	
	<b><i>Building</i></b>	
§30-21(b)	Increase nonconformity with respect to size of accessory building	SP per §30-24

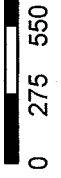
# Land Use Map

483 Dedham St.

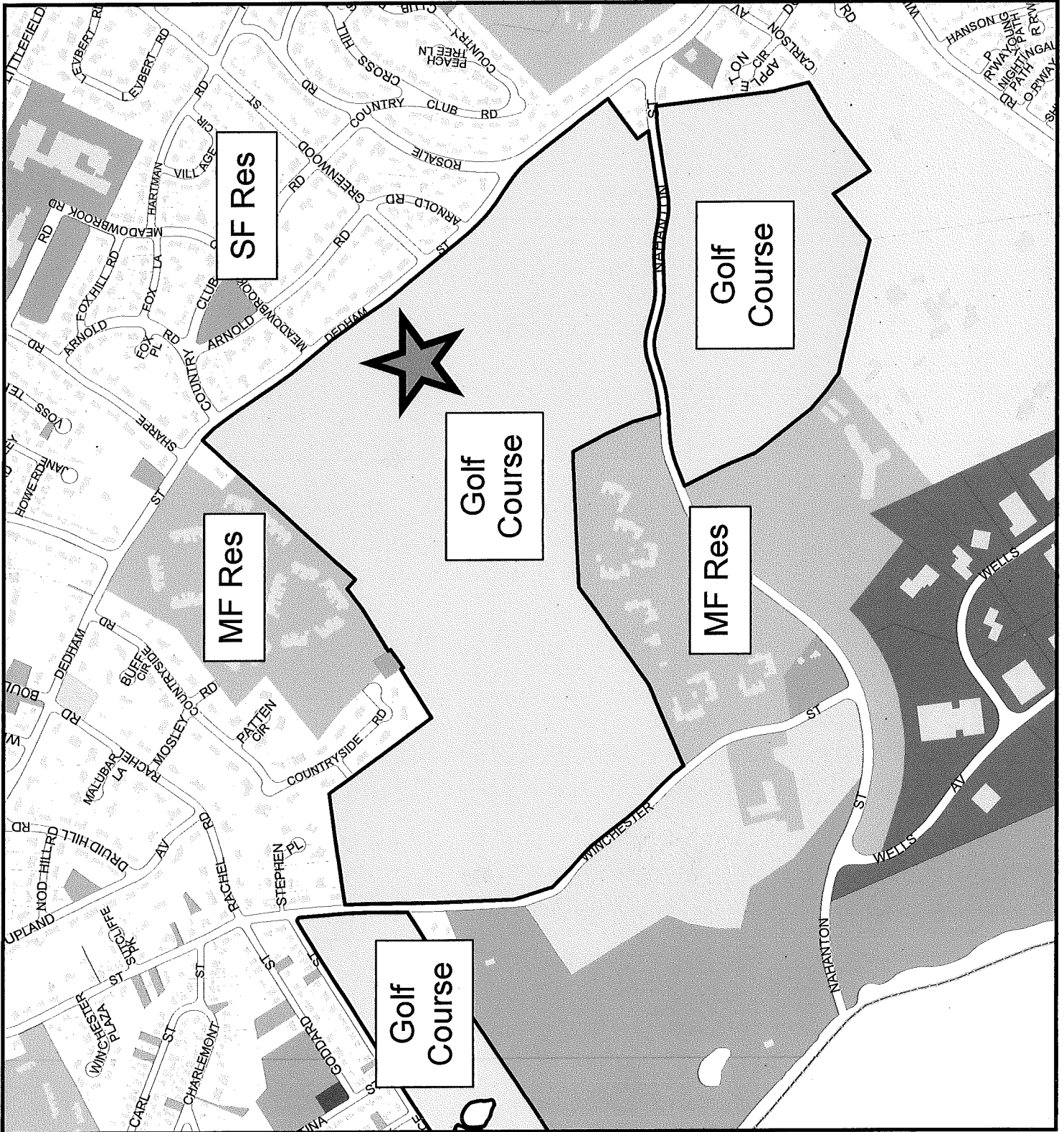


ATTACHMENT D

The information on this map is derived from the Geographic Information System (GIS) of the City of Newton. The City of Newton cannot guarantee the accuracy of the information. Each user of this information is responsible for determining its suitability for their own purpose. City departments may use this information to approve applications based on the information provided.



MAP DATE: Jun



# Zoning Map

483 Dedham St.

Legend
483 Dedham St.
Building Outlines
Single Res. 1
Single Res. 2
Single Res. 3
Business 1
Business 2
Business 4
Business 5
Limited Manufacturing
Multi-Res. 1
Multi-Res. 2
Multi-Res. 3
Multi-Res. 4
Mixed Use 1
Mixed Use 2
OS/Rec.
Public Use



## ATTACHMENT E

The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their own purpose. City departments may not approve applications based on this map.



MAP DATE: Jun

